Tutorial Letter 201/2/2018

Commercial Law 1C

CLA1503

Second Semester

Department of Mercantile Law

IMPORTANT INFORMATION:
This tutorial letter contains important information about your module.
1. GENERAL

Dear Student

This tutorial letter contains a feedback on Assignment 01.

The aim of this feedback is to draw your attention to certain important aspects of the questions which you may have overlooked. Read the feedback carefully to make sure that you understand how you could have answered the questions. If you are still not sure after reading the feedback, go back to the original source in your prescribed textbook.


2. FEEDBACK ON ASSIGNMENT 01 (Unique no: 889780)

QUESTION 1
(Chapter 13: The Contract of Sale, paras 13.1.1, 13.1.2, 13.2.1.4 and 13.2)

(i) Agreement regarding the object of the sale or merx (motorbike) and the purchase price (R20 000). (2)

(ii) The fact that the purchaser is protected for latent defects (in good condition). (1)

(iii) The fact that the parties agreed to exchange the merx after the motorbike rally in Polokwane. (1)

QUESTION 2
(Chapter 8: Terms of the Contract, para 8.3)

A condition is a contractual term which renders the operation and consequences of the contract dependent on the occurrence, or non-occurrence, of a specified uncertain future event. For example, Will and Bob agree to enter into a contract of sale on condition that Bob gets a loan from the bank. (2)
QUESTION 3
(Chapters 4 and 11: Consensus and Remedies for Breach of Contract, paras 4.4.2.1 and 11.1)

False. The term cancellation refers to the act of withdrawal from a contract as a result of breach of contract while rescission refers to the act of withdrawing from a contract due to reasons other than breach such as misrepresentation, duress etc. [1]

QUESTION 4
(Chapter 5 Capacity to Perform Juristic Acts paras 5.1 and 5.2.2.2)

(i) Moipone can lawfully undergo the test without his guardian’s consent. The Children’s Act 38 of 2005 provides that a child over the age of twelve may consent to an HIV test, if he or she is of sufficient maturity and has the mental capacity to understand the benefits, risks, social and other implications of an HIV test. Moipone has turned twelve already. (3)

(ii) Marriage, Mental deficiency, prodigal, insolvency, alcohol and drugs are factors which influence an individual’s capacity to act. (6)

[9]

QUESTION 5
(Chapter 30: Consumer Protection, para 30.2.1)

The purpose of the Consumer Protection Act 68 of 2008 is to promote and advance the social and economic welfare of South African consumers. The Act also lays the foundation for a consumer era in South Africa by introducing a single and comprehensive legal framework for consumer protection. It spells out rights of consumers and the obligations and responsibilities of suppliers and codifies parts of the common law in relation to consumer rights. [4]

TOTAL: [20]

We wish you all the best with your studies. Please contact us should you experience any problems relating to the contents of this module.

THE LECTURERS

UNISA